

*Pending*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To exempt any civil action against a person from the provisions of the bill if the gross negligence or reckless conduct of the person proximately caused death or injury.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

**S. 1805**

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**AMENDMENT No.**

**2631**

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By

*Levin*

To:

*S. 1805*

Refer

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**Page(s)**

GPO: 2002 83-247(Mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LEVIN

Viz:

- 1 On page 11, after line 19, add the following:
- 2 **SEC. 5. GROSS NEGLIGENCE OR RECKLESS CONDUCT.**
- 3 (a) IN GENERAL.—None of the provisions in the Act
- 4 shall be construed to prohibit a civil liability action from
- 5 being brought or continued against a person if that per-
- 6 son's own gross negligence or reckless conduct was a prox-
- 7 imate cause of death or injury.

1 (b) DEFINITIONS.—As used in this section—

2 (1) the term “gross negligence” has the mean-  
3 ing given the term in subsection (b)(7) of the Bill  
4 Emerson Good Samaritan Food Donation Act (42  
5 U.S.C. 1791(b)(7)); and

6 (2) the term “reckless” has the meaning given  
7 the term in the application notes under section  
8 2A1.4 of the Federal Sentencing Guidelines Manual.